

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MICHIGAN PROTECTION &
ADVOCACY SERVICE, INC.

Plaintiff,

v.

BENNY NAPOLEON, In his Official
Capacity as Sheriff of Wayne County

Defendant.

Case No. 2:09-cv-12224

Hon. Denise Page Hood

Magistrate R Steven Whalen

Michigan Protection & Advocacy Service, Inc.
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Attorney for Plaintiff

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Attorney for Defendant

**Plaintiff's Supplemental Submission Pursuant to Court's Order
and in Support of Its Motion for Attorney Fees**

Plaintiff, by his counsel, submits the attached exhibits as requested in the Court's
Order of September 30, 2010.

I. Procedural Background

On September 3, 2009, Plaintiff submitted a motion for costs and attorney fees, *et al.* [Docket Item No. 15.] Plaintiff based its request on 42 U.S.C. § 1988 and Fed. R. Civ. P. 54. [See Plaintiff's Brief, Docket Item No. 15, pp. 17-18.]

On September 30, 2010, the Court issued an Order granting Plaintiff's request for attorney fees but only as to counsel's efforts relating to one of the two inmates whose records were the subject of the litigation. [Docket Item No. 36, pp. 9-11.] The Court further ordered that Plaintiff to produce documentation of costs and attorney fees in accordance with its order. [Court's Order p. 10] That same day, the Court entered Judgment in favor of Plaintiff. [Docket Item No. 37.]

II. Plaintiff's Attorney Fees

Plaintiff incorporates by reference the arguments included in his brief in support of its Motion for Costs/Attorney Fees. [Docket Item No. 15, pp. 17-18.] Pursuant to Court's order of September 30, 2010, Plaintiff's counsel has made the following changes to his time records from those previously submitted to the Court:

- The billing rate has changed from \$250.00 to \$200.00 per hour. This was done because of a recent ruling by U.S. District Court Judge Patrick J. Duggan, who determined that Plaintiff's counsel's hourly rate should be \$200.00. [Case No. 2:08-cv-14922, Docket Item No. 67, entered June 16, 2010]
- Non-litigation or pre-litigation time entries have been removed.
- Entries concerning Inmate CR have been removed.
- Entries that designated as "shared" for both CC and CR have been reduced by 50% [See attached Affidavit, Exhibit #1.]

Based on these changes the total attorney fees billing comes to \$16,520.00. [See, Billing Record Exhibit #2.]

III. Conclusion

Based on the foregoing information and the Courts previous order, Plaintiff respectfully requests that this Honorable Court grant attorney fees in the amount of \$16,520.00.

Respectfully submitted,

Dated: October 28, 2010

s/Chris E. Davis
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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2010, I electronically filed the foregoing Plaintiff's Supplemental Submission Pursuant to Court's Order and in Support of Its Motion for Attorney Fees with the Clerk of the Court using the ECF system which will send notification of such filing to the following: James M. Surowiec.

s/Chris E. Davis
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